Remarks

This Amendment is in response to the Office Action dated **October 4, 2005.** Claims 1-22 are pending in this application. The Office Action rejected claims 1-14, 16-20 and 22 under 35 USC § 112, second paragraph; rejected claim 21 under 35 USC § 102(e) over Breuer (US 2003/0154849); rejected claims 1-3, 8 and 10 under 35 USC § 103 over Johnson (US 4930369) in view of Buss (5814757); rejected claims 4, 7, 9 and 11-14 under 35 USC § 103 over Johnson in view of Buss and further in view of McClain III (US 5,036,747); rejected claims 5 and 6 under 35 USC § 103 over Johnson in view of Buss and further in view of Chahin (US 4,869,151); rejected claims 17 and 19 under 35 USC § 103 over Chahin in view of Buss and Aston (US 4322999); rejected claim 20 under 35 USC § 103 over Chahin in view of Buss and Aston and further in view of McClain III; and rejected claims 1-4, 8 and 10 under 35 USC § 103 over Johnson in view of Buss and further in view of Hanslick et al. (US 2005/0188829).

By this Amendment, claims 1, 7, 10, 14, 17-19, 21 and 22 are amended. Support for the amendments may be found at least in the Figures. Applicant reserves the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections - 35 USC § 112

The Office Action rejects claims 1-14, 16-20 and 22 under 35 USC § 112, second paragraph. In particular, the Office Action asserted that "planar axis" was indefinite. Applicant has removed the "planar axis" limitations from 1, 17-19 and 22. All of the pending claims are believed to meet the requirements of 35 USC § 112.

Accordingly, Applicant requests withdrawal of the rejection under 35 USC § 112, second paragraph.

Claim Rejection – 35 USC § 102

The Office Action rejected claim 21 under 35 USC § 102(e) over Breuer (US 2003/0154849).

Without admitting that Breuer is prior art to the immediate application, Applicant

has amended claim 21, which now recites "each vent slot having opposed first and second sides defined by the body."

Breuer discloses openings 16 that are cylindrical in shape. See Figures 1 and 2. The openings 16 are defined by a single continuous curved surface that extends around the opening 16.

Therefore, Breuer does not disclose or suggest openings that have opposed first and second sides, and Applicant asserts claim 21 is patentable over Breuer. Accordingly, Applicant requests the withdrawal of the rejection under 35 USC § 102.

Claim Rejections – 35 USC § 103

The Office Action included six separate combinations of rejection under 35 USC § 103. A total of six references were cited in the rejections, each combination applying two to four of the references.

Applicant has amended independent claims 1, 17 and 21 for clarification purposes. The amendments are believed to be self-explanatory and render the rejections moot. Claims 1, 17 and 21, and all claims dependent therefrom, are believed to be patentable over the applied references. Accordingly, Applicant requests withdrawal of the rejections under 35 USC § 103.

Amendments to dependent claims 7, 10, 14 and 22 are believed to further distinguish these dependent claims from the prior art.

In the event that the Examiner believes the pending claims to be unpatentable, Applicant requests that the Examiner contact Applicant's undersigned representative prior to issuing a Final Office Action.

Applicant further notes the following principles that are relevant to a rejection under 35 USC § 103:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

The "as a whole" instruction in title 35 prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention

into its component parts (A + B + C), then find a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention obvious. This form of hindsight reasoning, using the invention as a roadmap to find its prior art components, would discount the value of combining various existing features or principles in a new way to achieve a new result – often the very definition of invention.

Section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole. The Federal Circuit has provided further assurance of an "as a whole" assessment of the invention under §103 by requiring a showing that an artisan of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would select the various elements from the prior art and combine them in the claimed manner. In other words, the Examiner must show some suggestion or motivation, before the invention itself, to make the new combination. See *In re Rouffet*, 149 F.3d 1350, 1355-56 [47 USPQ2d 1453] (Fed. Cir. 1998).

Conclusion

Based on at least the foregoing amendments and remarks, Applicant respectfully submits this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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